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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,008

03/02/2004

Huey Quoc Chan

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EXAMINER

STIGELL, THEODORE J

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

11/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/791,008

Applicant(s)

CHAN ET AL.

Examiner

Theodore J. Stigell

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-21,24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-21 and 26 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-16 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/28/2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-12, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cryer (6,129,707). See Figure 3 and the respective portions of the specification. Cryer discloses a balloon catheter (30) comprising an elongate shaft (39) extending from a distal region to a proximal region and defining a working lumen (36) therebetween, the elongate shaft having an inner surface and an outer surface, an inflatable balloon (32) disposed about a distal portion of the shaft such that the shaft extends through the balloon, and an external inflation component (35, 41, 42, 40) having an inner surface and an outer surface, and an inflation lumen (34) in fluid

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communication with the balloon, wherein the external inflation component is disposed longitudinally along the outer surface of the elongate shaft such that the outer surface of the inflation component is disposed adjacent the outer surface of the shaft (at the junction between 41 and 40), wherein the external inflation component includes a proximal segment and a distal segment extending from the proximal segment, wherein the proximal segment includes a metallic hypotube (42) and the distal segment includes a polymer tube (41, 40) extending distal of the metallic tube, wherein the external inflation component extends from the proximal region of the shaft to the balloon, the component having at least a portion of the distal end disposed within the balloon, wherein the tube is made of an elastic material, the hypotube is made of nitinol, the inflation lumen has a smaller diameter than the diameter of the shaft, wherein the inflation component can be attached to the shaft by shrinking, adhesive bonding, or thermal bonding (product-by-process limitations), wherein the balloon is made of silicone, and wherein the proximal end of the component comprises a valve (14).

Claims 1-2 and 5-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Keith et al. (5,395,334). See Figure 2 and the respective portions of the specification. Keith discloses a balloon catheter (20) comprising an elongate shaft (80) extending from a distal region to a proximal region and defining a working lumen (52) therebetween, the elongate shaft having an inner surface and an outer surface, an inflatable balloon (38) disposed about a distal portion of the shaft such that the shaft extends through the balloon, and an external inflation component (22,82,66) having an inner surface and an outer surface, and an inflation lumen (62,104) in fluid communication with the balloon,

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wherein the external inflation component is disposed longitudinally along the outer surface of the elongate shaft such that the outer surface of the inflation component is disposed adjacent the outer surface of the shaft (at the junction between 80 and 66), wherein the external inflation component includes a proximal segment and a distal segment extending from the proximal segment, wherein the proximal segment includes a metallic hypotube (22) and the distal segment includes a polymer tube (66, 82) extending distal of the metallic tube, wherein the external inflation component extends from the proximal region of the shaft to the balloon, the component having at least a portion of the distal end (102) disposed within the balloon, wherein the tube is made of an elastic material, the hypotube is made of nitinol, the inflation lumen has a smaller diameter than the diameter of the shaft, wherein the inflation component can be attached to the shaft by shrinking, adhesive bonding, or thermal bonding (product-by-process limitations), and wherein the shaft comprises a metal braid or coil (114).

Claims 1-2, 6-16, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (6,217,547). See Figure 3 and the respective portions of the specification. Lee discloses a balloon catheter (30) comprising an elongate shaft (33) extending from a distal region to a proximal region and defining a working lumen (37) therebetween, the elongate shaft having an inner surface and an outer surface, an inflatable balloon (35) disposed about a distal portion of the shaft such that the shaft extends through the balloon, and an external inflation component (31,40,43) having an inner surface and an outer surface, and an inflation lumen (44) in fluid communication with the balloon, wherein the external inflation component is disposed longitudinally

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along the outer surface of the elongate shaft such that the outer surface of the inflation component is disposed adjacent the outer surface of the shaft, wherein the external inflation component includes a proximal segment and a distal segment extending from the proximal segment, wherein the proximal segment includes a metallic hypotube (40) and the distal segment includes a polymer tube (43) extending distal of the metallic tube, wherein the external inflation component extends from the proximal region of the shaft to the balloon, the component having at least a portion of the distal end disposed within the balloon, wherein the tube is made of an elastic material, the hypotube is made of nitinol, the inflation lumen has a smaller diameter than the diameter of the shaft, wherein the inflation component can be attached to the shaft by shrinking, adhesive bonding, or thermal bonding (product-by-process limitations), and wherein the distal end of the balloon is attached to the shaft and the proximal end of the balloon is attached to both the shaft and the inflation component.

Allowable Subject Matter

Claims 17-21 and 26 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-2, 5-16, and 24 have been considered but are moot in view of the new ground(s) of rejection.

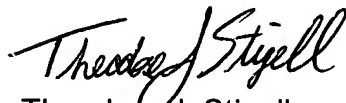
Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Theodore J. Stigell


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